

2005 DRAFTING REQUEST

Bill

Received: **01/06/2005**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2214**

By/Representing: **Kraus**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

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DAK - 1
MJL - 1
MGD - 1
CTS - 1
RPN - 1

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Kraus, BB0352 -

Topic:

Sale of state property

Instructions:

"Real estate right size initiative" (A) attached.

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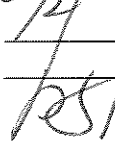
Topic:

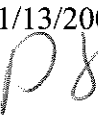

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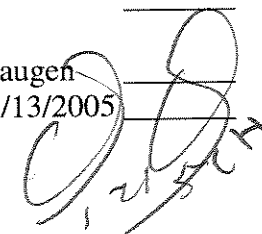
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2005-07 Budget Bill Statutory Language Drafting Request

- Topic: EASI -- Asset Sales *CD.*
- Tracking Code: *BB0352*
- SBO team: OPS
- SBO analyst: *Cindy Dombrowski Jennifer Kraus*
 - Phone: *266-5878 6-2214*
 - Email: *cynthia.dombrowski@doa.state.wi.us*
- Agency acronym: DOA
- Agency number: 505

Portfolio Management

1. Asset Sales (Buildings and Land)

Current Law: Each state agency is responsible for identifying and approving surplus land. Agencies report the surplus to DOA. Disposal requires approval by the agency, Building Commission, and Joint Committee on Finance. Net proceeds go to budget stabilization fund in most cases; Net proceeds from SEG funded properties, such as DOT, go to those SEG funds. Statutory language could redirect DOT net proceeds.

Options for Real Estate

(A) Real Estate Right Size Initiative -- Identify and approve through special commission (like Base Closing Commission), sends package to Building Commission and Joint Committee on Finance which approve or reject package, net proceeds go to (a) agencies to offset other reductions or (b) net proceeds go to general fund; special commission sunsets 2 years after its first meeting. Builds on EASI work regarding total cost of occupancy, return on assets, types of real estate to own versus lease (core/non core), state's inability to maintain current real estate portfolio (we have more than we can afford now), and value of flexibility versus inflexibility.

(B) Proceed under current law with more aggressive identification of sales and focus statutory/budget activity on allocation of projected proceeds from real estate transactions. Allocation of proceeds through budget process will highlight efforts and create need to act.

Wanted ~~seen~~ THIS WEEK

2005

2003-2004 LEGISLATURE

-1513/1

LRB-4746/2

JTK/DAK/RPN:cjs:ch

T stays

ATTN: LPS: based on the 12 version

SAV new CRSV X-refs RNS

LPS: PWF all sections containing amended text

DOA:.....Koskinen - BB0439, Sale of state real and personal property

FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

head: STATE GOVERNMENT
sub: OTHER STATE GOVERNMENTS

Currently, state agencies having jurisdiction over state properties are authorized to sell the properties under various conditions and limitations, if the operation of the properties is not specifically provided for by law. The proceeds of any sales are credited or deposited in various ways as provided by law.

1 AN ACT ~~relating to~~ ^{Do NOT Gen} sale or lease of certain state properties.

Analysis by the Legislative Reference Bureau

~~not~~ Currently, the Building Commission may lease space in state-owned buildings that are managed by DOA. State agencies are generally prohibited from permitting privately owned or operated facilities to be constructed on state-owned land without approval of the Building Commission. The Building Commission may sell or lease all or part of a state-owned building or structure or state-owned land if such authority is not provided to a state agency by law. The proceeds of any such sales or leases, after retirement of any outstanding debt on the affected properties, are paid into an appropriation account of the Joint Committee on Finance. The committee may then transfer the proceeds to the state building trust fund, except that not more than 50% of the proceeds may be made available to a state agency if the property was used exclusively by that agency. Any lease of space by the commission in a state-owned building for commercial purposes must provide for payments in lieu of property taxes. The building commission may sell certain surplus state land, subject in most cases to the consent of the Joint Committee on Finance, and may sell certain state-owned land in the vicinity of the state capitol. Currently DOA may dispose of surplus supplies, materials, or equipment or transfer supplies, materials, or equipment between state agencies. Unless the supplies, materials, or equipment are transferred to the Department of Tourism, the agency releasing them is reimbursed for their value.

~~This bill directs the secretary of administration, no later than January 1, 2004, to review all holdings of state-owned real or personal property under the jurisdiction~~

the budget stabilization fund

In addition, the

INS 1A

COMMISSION

July 15 2006

surplus and non-surplus

no 9 The

INS 2A

Any sale of
state property
by DOAWith certain
exceptions, all

~~of the departments of Administration, Corrections, or Health and Family Services for potential sale or lease. The bill also empowers DOA, effective on the day the bill becomes law, to sell or lease any state-owned real or personal property if DOA determines that the sale or lease is in the best interest of the state. The sale may be either on the basis of public bids or negotiated prices. The bill does not authorize DOA to close or sell any facility or institution the operation of which is provided for by law. The authority granted by the bill does not apply to surplus property obtained from the federal government or property that is leased by the state during the term of the lease without consent of the lessee. Under the bill DOA may act without approval of the Building Commission or the Joint Committee on Finance. All net proceeds of property sales, after retirement of any outstanding debt on the affected properties and after any required reimbursement of the federal government for any federal financial assistance used to acquire the properties, is deposited in the budget stabilization fund. In addition, the net proceeds under any lease agreement, after payment of any operating expenses of any facility that is leased under the agreement, are deposited in the budget stabilization fund.~~

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.101 (13) of the statutes is repealed.

SECTION 2. 13.48 (2) (b) 3. and 4. of the statutes are repealed.

SECTION 3. 13.48 (12) (b) 5. of the statutes is created to read:

13.48 (12) (b) 5. A facility that is authorized to be constructed under a lease entered into in accordance with s. 16.848.

SECTION 4. 13.48 (14) (c) of the statutes is amended to read:

13.48 (14) (c) If there is any outstanding public debt used to finance the acquisition of a building, structure or land or the construction of a building or structure that is sold or leased under par. (b), the building commission shall deposit a sufficient amount of the net proceeds from the sale or lease of the building, structure or land in the bond security and redemption fund under s. 18.09 to repay the principal and pay the interest on the debt, and any premium due upon refunding any of that debt. If there is no such debt outstanding, or, if the net proceeds exceed

1 the amount required to repay that principal and pay that interest and premium, the
2 building commission shall credit deposit the net proceeds or remaining net proceeds
3 ~~to in the appropriation account under s. 20.865 (4) (a)~~ budget stabilization fund. *of any lease*
or shall deposit the net
proceeds or
remaining
net proceeds
of any sale
in the

4 ~~SECTION 5. 13.48 (23) of the statutes is repealed.~~

5 ~~SECTION 6. 13.48 (24) of the statutes is repealed.~~

6 ~~SECTION 7. 16.72 (4) (b) of the statutes is amended to read:~~

7 16.72 (4) (b) The department shall promulgate rules for the declaration as
8 surplus of supplies, materials and equipment in any agency and for the transfer to
9 other agencies or for the disposal by private or public sale of supplies, materials and
10 equipment. In either case due credit shall be given to the agency releasing the same
11 , the department shall deposit the net proceeds in the budget stabilization fund,
12 except that the department shall transfer any supplies, materials or equipment
13 declared to be surplus to the department of tourism, upon request of the department
14 of tourism, at no cost, if the transfer is permitted by the agency having possession
15 of the supplies, materials or equipment.

16 ~~SECTION 8. 16.841 (3) of the statutes is amended to read:~~

17 16.841 (3) The department may lease space or provide space in any
18 state-owned or state-leased building to be used by a child care provider under a
19 contract specified in sub. (2) or may contribute to space costs incurred by a child care
20 provider under such a contract for the purpose of providing child care services to
21 children specified in sub. (2). ~~Prior to leasing space or providing space to a child care~~
22 ~~provider in any state-owned facility that is not constructed specially for the use of~~
23 ~~a particular agency, the department shall obtain concurrence of the building~~
24 ~~commission under s. 13.48 (2) (b) 4~~ Any lease of space in a building under the

jurisdiction of the department of administration, corrections, or health and family services is subject to s. 16.848.

SECTION 9. 16.848 of the statutes is created to read:

16.848 Sale or lease of certain state property. (1) Except as provided in sub. (2) *and subject to sub. (3) and s. 23.293 (12)*, the department may sell or lease any state-owned real or personal property under the jurisdiction of the departments of administration, corrections, or health and family services, if the department determines that the sale or lease is in the best interest of the state. The sale may be either on the basis of public bids, with the department reserving the right to reject any bid in the interest of the state, or negotiated prices.

(2) (a) Subsection (1) does not authorize the closure or sale of any facility or institution the operation of which is provided for by law.

(b) Subsection (1) does not apply to property sold by the department under s. 16.98 (3). *(c) Subsection (1) does not apply to lands under the jurisdiction of the board of commissioners of public lands.*
(d) Subsection (1) does not apply to lands acquired with revenues collected under s. 70.58.
 (c) (e) The department shall not sell or lease any property under this section that is leased by the state *until the lease expires or the lease is modified, renewed, or extended, whichever first occurs,* during the term of the lease without consent of the lessee.

(4) (3) Except as provided in s. 13.48 (14) (e), if there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold under sub. (1), the department shall deposit a sufficient amount of the net proceeds from the sale of the property in the bond security and redemption fund under s. 18.09 to repay the principal and pay the interest on the debt, and any premium due upon refunding any of the debt. If the property was purchased with federal financial assistance, the department shall pay to the federal government any of the net proceeds required by federal law. *if there is no such debt outstanding and there is no restriction*

there are no moneys payable to the federal government, or if the net proceeds exceed

If the property was acquired by gift or grant or a conveyance with gift or grant funds, the department shall adhere to any restriction governing use of the proceeds. Except as required under ss. 13.48 20.395 (9) (2d), 23.09 (15m) (1b) 2 and 23.27 (6) and (7), if

(14)(e) *comma*

Governing use of the proceeds

1 the amount required to be deposited ^{or paid} ~~or paid~~ under this subsection, the department
2 shall deposit the net proceeds or remaining net proceeds in the budget stabilization
3 fund.

4 (4) If the department enters into an agreement to lease property under this
5 section, the department shall deposit the net proceeds under the lease, after payment
6 of any operating expenses of facilities leased under the agreement, in the budget
7 stabilization fund.

8 SECTION 10. 25.60 of the statutes is amended to read:

9 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
10 trust fund designated as the budget stabilization fund, consisting of moneys
11 transferred to the fund from the general fund under s. ss. 13.48 (14) (c), 16.518 (3)
12 ~~16.72 (4) (b), and 16.848.~~

13 SECTION 11. 46.03 (30) (a) of the statutes is amended to read:

14 46.03 (30) (a) To provide for an orderly reduction of state institutional primary
15 psychiatric services the department may approve the institutes entering into
16 contracts with county departments under s. 51.42 for providing primary psychiatric
17 care. If excess capacity exists at state operated mental health institutes, the
18 department shall, subject to s. 16.848, explore whether the possible sale or lease of
19 such excess facilities may be sold or leased to a county department under s. 51.42. ✓

20 SECTION 12. 46.035 (1) (a) of the statutes is amended to read:

21 46.035 (1) (a) The term "existing building" in relation to any conveyance, lease
22 or sublease made under sub. (2) (a) 1., 2. and 3., (b), and (c) means all detention,
23 treatment, administrative, recreational, infirmary, hospital, vocational and
24 academic buildings; all dormitories and cottages; all storage facilities, heating
25 plants, sewage disposal plants, and such other buildings, structures, facilities and

1 permanent improvements as in the judgment of the secretary are needed or useful
2 for the purposes of the department, and all equipment therefor and all improvements
3 and additions thereto which were erected, constructed or installed prior to the
4 making of such conveyance, lease or sublease.

5 **SECTION 13.** 46.035 (1) (b) of the statutes is amended to read:

6 46.035 (1) (b) The term "new building" in relation to any conveyance, lease or
7 sublease made under sub. (2) (a) ~~1., 2. and 3., (b), and (c)~~ means all detention,
8 treatment, administrative, recreational, infirmary, hospital, vocational and
9 academic buildings; all dormitories and cottages; all storage facilities, heating
10 plants, sewage disposal plants, and such other buildings, structures, facilities and
11 permanent improvements as in the judgment of the secretary are needed or useful
12 for the purposes of the department, and all equipment therefor and all improvements
13 and additions thereto which are erected, constructed or installed after the making
14 of such conveyance, lease or sublease.

15 **SECTION 14.** 46.035 (2) (intro.) of the statutes is repealed.

16 **SECTION 15.** 46.035 (2) (a) of the statutes is renumbered 46.035 (2), and 46.035
17 (2) (intro.), (a) and (c) to (j), as renumbered, are amended to read:

18 46.035 (2) (intro.) In order to provide new buildings and to enable the
19 construction and financing thereof, to refinance indebtedness hereafter created by
20 a nonprofit corporation for the purpose of providing a new building or buildings or
21 additions or improvements thereto which are located on land owned by, or owned by
22 the state and held for, the department or on lands of the institutions under the
23 jurisdiction of the department or by the nonprofit corporation, or for any one or more
24 of said purposes, but for no other purpose unless authorized by law, the department
25 has, subject to s. 16.848, the following powers and duties:

restore
to PLAIN
text

1 (a) ~~Without limitation by reason of any other provisions of the statutes, the~~ ~~the~~
2 power to sell and to convey title in fee simple to a nonprofit corporation any land and
3 any existing buildings thereon owned by, or owned by the state and held for, the
4 department or of any of the institutions under the jurisdiction of the department for
5 such consideration and upon such terms and conditions as in the judgment of the
6 secretary are in the public interest.

restore
to plain
text

7 (c) The power to lease or sublease from such nonprofit corporation, and to make
8 available for public use, any such land and existing buildings conveyed or leased to
9 such nonprofit corporation under ~~subds. 1. and 2. pars. (a) and (b),~~ and any new
10 buildings erected upon such land or upon any other land owned by such nonprofit
11 corporation, upon such terms, conditions and rentals, subject to available
12 appropriations, as in the judgment of the secretary are in the public interest. With
13 respect to any property conveyed to such nonprofit corporation under ~~subd. 1. par.~~
14 (a), such lease from such nonprofit corporation may be subject or subordinated to one
15 or more mortgages of such property granted by such nonprofit corporation.

16 (d) The duty to submit the plans and specifications for all such new buildings
17 and all conveyances, leases and subleases made under this ~~section~~ subsection to the
18 department of administration and the governor for written approval before they are
19 finally adopted, executed and delivered.

20 (e) The power to pledge and assign all or any part of the revenues derived from
21 the operation of such new buildings as security for the payment of rentals due and
22 to become due under any lease or sublease of such new buildings under ~~subd. 3 par.~~
23 (c).

24 (f) The power to covenant and agree in any lease or sublease of such new
25 buildings made under ~~subd. 3. par. (c)~~ to impose fees, rentals or other charges for the

1 use and occupancy or other operation of such new buildings in an amount calculated
2 to produce net revenues sufficient to pay the rentals due and to become due under
3 such lease or sublease.

4 (g) The power to apply all or any part of the revenues derived from the operation
5 of existing buildings to the payment of rentals due and to become due under any lease
6 or sublease made under ~~subd. 3 par. (c)~~.

7 (h) The power to pledge and assign all or any part of the revenues derived from
8 the operation of existing buildings to the payment of rentals due and to become due
9 under any lease or sublease made under ~~subd. 3 par. (c)~~.

10 (i) The power to covenant and agree in any lease or sublease made under ~~subd.~~
11 ~~3, par. (c)~~ to impose fees, rentals or other charges for the use and occupancy or other
12 operation of existing buildings in an amount calculated to produce net revenues
13 sufficient to pay the rentals due and to become due under such lease or sublease.

14 (j) The power and duty, upon receipt of notice of any assignment by any such
15 nonprofit corporation of any lease or sublease made under ~~subd. 3, par. (c)~~, or of any
16 of its rights under any such sublease, to recognize and give effect to such assignment,
17 and to pay to the assignee thereof rentals or other payments then due or which may
18 become due under any such lease or sublease which has been so assigned by such
19 nonprofit corporation.

20 **SECTION 16.** 46.035 (2) (b) of the statutes is renumbered 46.035 (3) and
21 amended to read:

22 46.035 (3) ~~The Subject to s. 16.848, the state shall be is~~ liable for accrued
23 rentals and for any other default under any lease or sublease made under ~~par. (a) 3.~~
24 ~~sub. (2) (c)~~, and may be sued therefor on contract as in other contract actions
25 pursuant to ch. 775, except that it ~~shall not be~~ is not necessary for the lessor under

1 any such lease or sublease or any assignee of such lessor or any person or other legal
2 entity proceeding on behalf of such lessor to file any claim with the legislature prior
3 to the commencement of any such action.

4 **SECTION 17.** 46.035 (2) (c) of the statutes is renumbered 46.035 (4).

5 **SECTION 18.** 46.035 (2) (d) of the statutes is repealed.

6 **SECTION 19.** 46.035 (2) (e) of the statutes is renumbered 46.035 (5) and amended
7 to read:

8 46.035 (5) All laws, except s. 16.848 and ch. 150, conflicting that conflict with
9 any provisions of this section, are, insofar as they conflict with this section and no
10 further, superseded by this section.

11 **SECTION 20.** 46.06 (intro.) of the statutes is created to read:

12 **46.06 Lands; condemnation, easements, leases, sales, purchases.**
13 (intro.) Subject to s. 16.848:

14 **SECTION 21.** 46.09 (intro.) of the statutes is created to read:

15 **46.09 Purchases, bills, audits, payments.** (intro.) Subject to s. 16.848:

16 ~~**SECTION 22.** 301.20 of the statutes is amended to read:~~

17 **301.20 Training school for delinquent boys.** The department, with the
18 approval of the governor and subject to s. 16.848, may purchase or accept a gift of land
19 for a suitable site for an additional training school for delinquent boys and erect and
20 equip such buildings as it considers necessary at such time as funds may be allocated
21 for that purpose by the building commission. The training school or other additional
22 facilities for delinquent boys financed by the authorized 1965–67 building program
23 shall be located north of a line between La Crosse and Manitowoc. The department
24 shall operate and maintain the institution for the treatment of delinquent boys who
25 are placed under the supervision of the department under s. 938.34 (4h) or (4m). All

1 laws pertaining to the care of juveniles received under s. 938.34 shall apply. Officers
2 and employees of the institution are subject to the same laws as apply to other
3 facilities described in s. 938.52.

4 **SECTION 23.** 301.235 (1) (a) of the statutes is amended to read:

5 301.235 (1) (a) "Existing building", in relation to any conveyance, lease or
6 sublease made under sub. (2) (a) 1., 2. and 3., means all detention, treatment,
7 administrative, recreational, infirmary, hospital, vocational and academic buildings;
8 all dormitories and cottages; all storage facilities, heating plants, sewage disposal
9 plants, and such other buildings, structures, facilities and permanent improvements
10 as in the judgment of the secretary are needed or useful for the purposes of the
11 department, and all equipment therefor and all improvements and additions thereto
12 which were erected, constructed or installed prior to making the conveyance, lease
13 or sublease.

14 **SECTION 24.** 301.235 (1) (b) of the statutes is amended to read:

15 301.235 (1) (b) "New building", in relation to any conveyance, lease or sublease
16 made under sub. (2) (a) 1., 2. and 3., means all detention, treatment, administrative,
17 recreational, infirmary, hospital, vocational and academic buildings; all dormitories
18 and cottages; all storage facilities, heating plants, sewage disposal plants, and such
19 other buildings, structures, facilities and permanent improvements as in the
20 judgment of the secretary are needed or useful for the purposes of the department,
21 and all equipment therefor and all improvements and additions thereto which are
22 erected, constructed or installed after making the conveyance, lease or sublease.

23 **SECTION 25.** 301.235 (2) (a) (intro.) of the statutes is amended to read:

24 301.235 (2) (a) (intro.) In order to provide new buildings and to enable the
25 construction and financing thereof, to refinance indebtedness created by a nonprofit

1 corporation for the purpose of providing a new building or buildings or additions or
2 improvements thereto which are located on land owned by, or owned by the state and
3 held for, the department or on lands of the institutions under the jurisdiction of the
4 department or owned by the nonprofit corporation, or for any one or more of those
5 purposes, but for no other purpose unless authorized by law, the department, subject
6 to s. 16.848, has the following powers and duties:

7 **SECTION 26.** ~~301.235 (2) (a) 1. of the statutes is repealed.~~

8 **SECTION 27.** 301.235 (2) (a) 3. of the statutes is amended to read:

9 301.235 (2) (a) 3. The power to lease or sublease from the nonprofit corporation,
10 and to make available for public use, any such land and existing buildings conveyed
11 or leased to the nonprofit corporation under ~~subds. 1. and~~ subd. 2., and any new
12 buildings erected upon the land or upon any other land owned by such nonprofit
13 corporation, upon such terms, conditions and rentals, subject to available
14 appropriations, as the secretary determines are in the public interest. With respect
15 to any property conveyed to the nonprofit corporation under subd. 1., the lease from
16 the nonprofit corporation may be subject or subordinated to one or more mortgages
17 of the property granted by the nonprofit corporation.

18 **SECTION 28.** 301.24 (2) of the statutes is amended to read:

19 301.24 (2) EASEMENTS. ~~The Subject to s. 16.848, the department may grant~~
20 easements for the extension of municipal and public utilities onto the lands of the
21 institutions under its jurisdiction, for the purpose of connecting railroads, roads,
22 water systems, sewers, electric lines and similar facilities, to serve the institutions.

23 **SECTION 29.** 301.24 (3) of the statutes is amended to read:

24 301.24 (3) LEASES. ~~The Subject to s. 16.848, the department may lease~~
25 additional lands for the operation of the institutions under its jurisdiction.

ANS
11-6

1 **SECTION 30.** 301.24 (4) of the statutes is repealed.

2 **SECTION 31.** 301.24 (4m) of the statutes is repealed.

3 **SECTION 32.** 301.25 of the statutes is amended to read:

4 **301.25 Sewer system at Taycheedah Correctional Institution.** The
5 department, with the approval of the governor, may enter into an agreement
6 containing terms, conditions and covenants approved by the building commission,
7 to participate in the construction of a sanitary sewer system in the area adjacent to
8 the Taycheedah Correctional Institution in the town of Taycheedah, Fond du Lac
9 County; to connect the sewer system of the Taycheedah Correctional Institution
10 thereto; to pay sewage disposal charges; and to grant easements or convey land to
11 meet construction requirements.

12 **SECTION 33.** 302.04 of the statutes is amended to read:

13 **302.04 Duties of warden and superintendents.** The Except as provided in
14 s. 16.848, the warden or the superintendent of each state prison shall have charge
15 and custody of the prison and all lands, belongings, furniture, implements, stock and
16 provisions and every other species of property within the same or pertaining thereto.
17 The warden or superintendent shall enforce the ~~regulations~~ rules of the department
18 for the administration of the prison and for the government of its officers and the
19 discipline of its inmates.

20 **SECTION 9101. Nonstatutory provisions; administration.**

21 (1) SALE OR LEASE OF CERTAIN STATE PROPERTY.

22 (2) (a) Except as provided in paragraph (b), no later than January 1, 2004 the
23 commission on state property sales ^{state-owned} shall review all holdings of real and personal property
24 under the jurisdiction of the departments of administration, corrections, and health
25 and family services for potential sale or lease.

26 (b) 1.
27 use autonumbers
28 not hard numbers
29 create a.r. Y

restore to PLAIN
subject to s. 16.848,
restore to PLAIN

subdivision 2.
use a.r. X from next page

July 1, 2006

use a.r. Y
from prev. page

LRB-1746/2
JTK/DAK/RPN:cjs:ch

SECTION 9101

create
a.r. X

Subdivision 1.

1 (b) Paragraph (a) does not apply to any facility or institution the closure or sale
2 of which is not authorized under section 16.848 of the statutes, as created by this act.

3 (END)

Ans
13-2

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1513/1ins2
JTK.....

INS 1A:

This bill
The bill creates a commission on state property sales, consisting of the secretary of administration or his or her designee and ~~4~~ ^{four} other persons appointed by the governor. *(commission)*

INS 2A:

NOT
Potential sales are not limited to surplus property and the consent of the state agency that administers a property need not be obtained.
to sell the property
No later than October 1, 2006, the commission must submit a report to the secretary of the Building Commission and the cochairpersons of the Joint Committee on Finance containing an inventory of its decisions ^{comma} to offer specified state properties for sale and giving the reasons therefor. Under the bill, if the Building Commission and the Joint Committee on Finance vote to approve the entire report, without change, DOA may ~~proceed~~ to offer the properties identified in the report for sale and may sell those properties if DOA believes that the sales are in the best interests of the state. If either the Building Commission or the Joint Committee on Finance do not approve the entire report without change on or before June 30, 2007, DOA may not sell any property identified in the report. The commission ceases to exist on July 1, 2007.

STET: leave as typed
to
If the commission's report is approved by the Building Commission and the Joint Committee on Finance without change, the ~~commission~~

*on or before
June 30, 2007,*

*Subject to
certain
exceptions*

Recommendations

*STET:
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as typed*

JWS 4-2:1

Section #. 13.48 (14) (d) 4. of the statutes is amended to read:

13.48 (14) (d) 4. If the commission proposes to sell or transfer a parcel of surplus land having a fair market value of at least \$20,000, the commission shall notify the joint committee on finance in writing of its proposed action. If the cochairpersons of the committee do not notify the commission that the committee has scheduled a meeting for the purpose of reviewing the proposed sale or transfer within 14 working days after the date of the commission's notification, the parcel may be sold or transferred by the commission. If, within 14 working days after the date of the commission's notification, the cochairpersons of the committee notify the commission that the committee has scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the parcel may be sold or transferred under this subdivision only upon approval of the committee.

This subdivision does not apply to surplus land that is sold under S. 16.848.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91.

authorized to be

Ins 4-2.2

Section #. 13.48 (22) of the statutes is amended to read:

authorized
to be

13.48 (22) SALE OR LEASE OF CAPITOL AREA LANDS. The building commission may lease or resell lands acquired in the capitol planning area for public or private redevelopment and may set such conditions of sale or lease as it deems necessary to ensure development compatible with the needs of the community and the state.

This subsection does not apply to lands that are sold

vader 5.16.848 @

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 261, 9160; 2003 a. 91.

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1513/lins
JTK.....

INS 4-16:

(3) The department ~~shall~~ not sell any state property under sub. (1) unless the sale is specifically authorized by the commission on state property sales and the sale is authorized by the building commission and the joint committee on finance in accordance with 2005 Wisconsin Act....(this act), section

max
STET: leave as typed
recommended

in the report submitted under 2005 Wisconsin (this act), section

remove xtra spaces
use autoreb W from INS 13-2

INS 5-7:1

SECTION 1. 23.15 (6) of the statutes is created to read:

23.15 (6) NONAPPLICATION. This section does not apply to property that is authorized to be sold under s. 16.848.

INS 10-3:

SECTION 2. 84.09 (9) of the statutes is created to read:

84.09 (9) Subsections (5), (5m), and (6) do not apply to state surplus property that is sold under s. 16.848.

INS 12-19:

SECTION 3. 560.9810 (5) of the statutes is created to read:

560.9810 (5) NONAPPLICATION. This section does not apply to property that is authorized to be sold under s. 16.848.

INS 12-21:

use autonumbers not
- 2 - hard numbers

(a) PLAIN

special committee
to be called the

NON
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(1) There is created a commission on state property sales consisting of the secretary of administration and his or her designee and 4 other members who shall be appointed by the governor. The governor shall ^{appoint a chairperson and} call the first meeting of the commission. At the first meeting, the commission shall elect a vice-chairperson and a secretary. The department of administration shall provide staffing services to the commission. Members of the commission shall receive no compensation for their services, but shall be reimbursed ^{by the department of administration} for actual and necessary expenses incurred in the performance of their official functions from the appropriation under section 20.505 (1) (a) of the statutes. All state agencies, as defined in section 20.001 (1) of the statutes, ^{shall provide the commission} with the information required by the commission in the performance of its functions.

INS 13-2:

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(3) No later than October 1, 2006, the commission on state property sales shall submit a report to the secretary of the building commission and the cochairpersons of the joint committee on finance containing an inventory of its decisions to offer recommendations specified state properties for sale under section 16.848 of the statutes, as created by on or before June 30, 2007, this act and the reasons therefor. If the building commission and the joint committee on finance vote to approve the entire report, without change, the department of administration may proceed to offer the properties identified in the report for sale under section 16.848 of the statutes, as created by this act. If either the building commission or the joint committee on finance do not vote, on or before June 30, 2007, to approve the entire report, without change, the department of administration is not

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authorized to sell any property identified in the report under section 16.848 of the statutes, as created by this act.

(4) This ^{Sub} section does not apply after June 30, 2007.

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(d)) PLAIN

Tr 55-7:2

Section #. 25.60 of the statutes is amended to read:

25.60 Budget stabilization fund. There is created a separate nonlapsible trust fund designated as the budget stabilization fund, consisting of moneys transferred to the fund from the general fund under ss. 13.48 (14) (c), 16.518 (3), and 16.72 (4) (b). and 16.848 ✓

~~History: 1985 a. 120, 2001 a. 16, 2003 a. 33.~~

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← scored comma

ANS 11-6

Section #. 301.235 (2) (a) 1. of the statutes is amended to read:

301.235 (2) (a) 1. Without limitation by reason of any other statute, ^{except s. 16.848} the power to sell and to convey title in fee simple to a nonprofit corporation any land and any existing buildings thereon owned by, or owned by the state and held for, the department or any of the institutions under the jurisdiction of the department for such consideration and upon such terms and conditions as in the judgment of the secretary are in the public interest.

~~History: 1989 a 31; 1997 a 79.~~

Ins 12-1:1

Section #. 301.24 (4) of the statutes is amended to read:

*Except where
↓ unless, a sale ~~is~~ authorized under s. 16.848, the*

301.24 (4) SALES. The department, with the approval of the building commission, may sell and convey such lands under the jurisdiction of the department as the secretary deems to be in excess of the present or future requirements of the department for either the operation of its facilities or programs, for the maintenance of buffer zones adjacent to its facilities or for other public purposes. The proceeds of the sales shall be credited to the state building trust fund.

~~History: 1989 a. 31 ss. 974, 975, 2569; 1989 a. 56 s. 84; 1995 a. 378.~~

En 512-112

Section #. 301.24 (4m) of the statutes is amended to read:

~~except where~~
~~unless a sale~~ ^{6 CCVS} ~~is authorized~~ under s. 16.848,

301.24 (4m) CORRECTIONAL INSTITUTION PROPERTY DISPOSITION. In addition to any other requirements under this section, the department may sell or otherwise transfer or dispose of the property acquired for the correctional institution under s. 46.05 (1o), 1985 stats., only if the sale, transfer or disposition is approved by the joint committee on finance. The department shall submit a plan for any such proposed sale, transfer or disposition to the committee.

History: 1989 a. 31 ss. 974, 975, 2569; 1989 a. 56 s. 84; 1995 a. 378.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

January 31, 2003

LRB-1746/1 dn

JTK&DAK:cjs:cph

stays

Jennifer Kraus:

John Koskinen:

1. Sales of property under this draft are subject to a number of conditions and exceptions that are required for a number of different legal or logical reasons.
2. This draft does not cover federal surplus property, the proceeds of which are credited under s. 16.98 (3), stats. Some of this property is also transferred to the Department of Tourism at no cost. It is my understanding that the federal surplus property program has operated close to the wire in recent years and the proceeds of its sales would likely be needed to finance the operation of the program. Let me know if you would like to treat this issue differently.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Because the operation of the following facilities or institutions are provided for statutorily, this draft does not make them subject to s. 16.848: the state mental health institutes (ss. 46.043 and 51.05, stats.), the state psychiatric institute (s. 46.044, stats.), state operated residential facilities and support services (s. 46.047, stats.), the centers for the developmentally disabled (ss. 46.048 and 51.06, stats.), the secure mental health facility for sexually violent persons (s. 46.055, stats.), the Wisconsin Resource Center (s. 46.056, stats.), and the Mendota juvenile treatment center (s. 46.057, stats.).

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1513/1dn
JTK:cjs:ch

January 13, 2005

Jennifer Kraus:

1. Sales of property under this draft are subject to a number of conditions and exceptions that are required for a number of different legal or logical reasons.
2. This draft does not cover federal surplus property, the proceeds of which are credited under s. 16.98 (3), stats. Some of this property is also transferred to the Department of Tourism at no cost. It is my understanding that the federal surplus property program has operated close to the wire in recent years and the proceeds of its sales would likely be needed to finance the operation of the program. Let me know if you would like to treat this issue differently.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Kuesel, Jeffery

From: Kraus, Jennifer - DOA
Sent: Saturday, January 15, 2005 12:42 PM
To: Kuesel, Jeffery
Cc: Kennedy, Debora
Subject: RE: Budget drafts

Jeffery -

1. BB0352 - They decided to stay with the current process with the caveat that DOA needs to be able to identify surplus property (I believe that under current law this is an agency responsibility) and to the extent allowed under the constitution, we want the DOT and DNR proceeds to go to the budget stabilization fund.

2. I am reviewing the TCO draft.

3. We will not need the draft related to transfer of staff re: physical plants.

Thanks - Jenny

-----Original Message-----

From: Kuesel, Jeffery [mailto:Jeffery.Kuesel@legis.state.wi.us]
Sent: Saturday, January 08, 2005 12:27 PM
To: Kraus, Jennifer - DOA
Cc: Kennedy, Debora
Subject: Budget drafts

Jennifer,

Confirming our phone conversation of January 5:

1. BB0352- I will send you a new version of the previously drafted proposal to authorize the sale of state properties. It is LRB-1513. The other attorneys will review it when it comes out and we may send through a revision if needed.

2. BB0350- I have entered the proposal concerning reports on the cost of occupancy of state facilities. You will confirm whether the "Target TCO" means the desired cost of occupancy (1) without modifications; (2) if recommended modifications are made (such as new windows, insulation, etc.). If the latter, you might want to indicate in the report a cost estimate for the modifications so you could figure the approximate number of years for the cost of modifications to pay off. This draft is LRB-1512 and is on hold.

3. BB0349- Transfer of physical plant employees at heating/cooling/power plants to DOA. You will confirm whether this proposal involves only DHFS or some other agencies (and if so, which ones). This draft is not entered because we don't know who will be drafting it until the scope of the draft is known.

Jeffery Kuesel

Managing Attorney

Wisconsin Legislative Reference Bureau

P.O.Box 2037

Madison WI 53701-2037

(608) 266-6778

jeffery.kuesel@legis.state.wi.us

Kuesel, Jeffery

From: Kraus, Jennifer - DOA
Sent: Thursday, January 20, 2005 2:14 PM
To: Kuesel, Jeffery
Cc: Cramer, Robert
Subject: FW: LRB Draft: 05-1513/1 Sale of state facilities

Follow Up Flag: Follow up
Flag Status: Flagged



05-1513/1



05-1513/1dn

Jeffrey - I thought it may be helpful to put my comments to you from a couple of days ago down in writing.

The Governor did not want to establish a Commission.

We do want the ability for DOA to propose a list of assets (buildings or land) to sell to the Building Commission.

To the extent that these assets are sold, we may put the proceeds in either the budget stabilization fund or the general fund (to be decided) but not to the JCF supplemental appropriation. We do want to include any proceeds from the sale of DNR or DOT assets that can constitutionally go to the general fund.

Finally, the proceeds from any UW-related asset sales should go back to the UW for reinvestment purposes.

Hope that helps - please call me if you have questions. Jennifer

-----Original Message-----

From: Haugen, Caroline [mailto:Caroline.Haugen@legis.state.wi.us]
Sent: Thursday, January 13, 2005 12:04 PM
To: Kraus, Jennifer - DOA
Cc: Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica
Subject: LRB Draft: 05-1513/1 Sale of state facilities

Following is the PDF version of draft 05-1513/1.